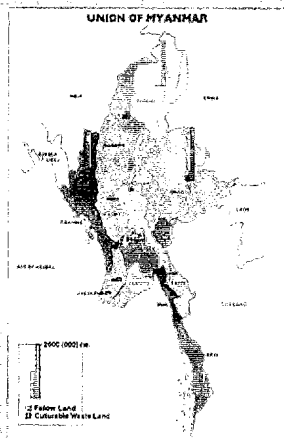


1998

about Myanmar Agriculture

Department of Agricultural Planning
Ministry of Agriculture and Irrigation

EXPANDABLE AREA 3 IN STATES & DIVISIONS



LOCATION AND LANDSCAPING

Myanmar is geographically located between latitudes 9° 50' N to 38° 31' N and longitude 92° 9' to 101° E. It has a land area of 676,832 sq. km. The country is unique for its forest-clad mountains, plateaus, valleys and plains, the parallel chains of mountains, namely, Rakhine Yoma, Shan Plateaus, having the altitude ranging from 900 m to 213 m above sea level. On the other hand, four principle rivers; the Ayeyarwady, the Salween, Chindwin and the Irrawaddy meander between these ranges and discharges into the Gulf of Martaban.

CLIMATE AND RAINFALL

The hot season runs from mid-February to mid-May, the rainy season from mid-May to mid-October and the dry cool spell from mid-October to mid-February. Humidity is high from April to December due to south west monsoon. About one third of the northern part of Myanmar constitutes the sub temperate zone, whereas the rest of the country lies within the tropical region. Agro-ecologically, Myanmar can be divided into 3 distinct zones. An indication of the climate and rainfall conditions of the various agro-ecological zones are as follows:

Zones	Annual Rainfall		Temperature	
	No. of Days	inches	Min.	Max.
Coastal	135	200	16	37
Deltaic	116	150	16	37
Dry	54	36	12	40
Northern	104	84	9	34
Mountain	104	78	6	30

Macroeconomic Indicators (1997-98)

Area	('000 sq. km)	677
	('000 SQ. miles)	261
Population	(million)	46.4
GDP	(kyats in million)	74328
GDP growth rate	(%)	4.6
Agri. GDP	(kyats in million)	26442
Agri. GDP growth rate	(%)	2.9
Consumption	(kyats in million)	53177
Investment	(kyats in million)	21196
Export (B.O.B.)	(kyats in million)	6340
Import (C.I.F.)	(kyats in million)	5846
GDP per capita	(kyat)	1602
GDP per consumption	(kyat)	1146
GDP per investment	(kyat)	487

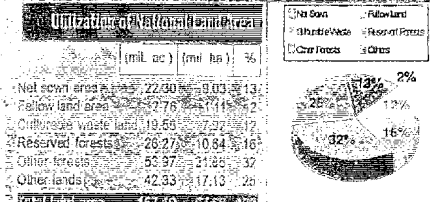
General Information on Myanmar

Year	Labour Force (million)		
	Total	Ag.	%
1989-90	15.221	10.079	66.22
1990-91	15.737	10.316	65.55
1991-92	16.007	10.521	65.73
1992-93	16.469	10.760	65.45
1993-94	16.817	10.972	65.24
1994-95	17.230	11.115	64.51
1995-96	17.587	11.272	64.09
1996-97	17.964	11.381	63.35
1997-98	18.359	11.507	62.68



Crops Sown & Production (1997-98 Provisional)

Crops	Sown Area (Ha)	Production (MT)
Cereals		
Paddy	5.93	17.3
Wheat	3.10	0.09
Maize	0.17	0.31
Sorghum	0.25	0.16
Oilseeds		
Groundnut	0.45	0.52
Sesamum	1.07	0.31
Sunflower	0.13	0.09
Grass		
Black Gram	0.47	0.40
Green Gram	0.55	0.42
Chick Pea	0.17	0.12
Pigeon Pea	0.25	0.16
Soybean	0.08	0.07
Industrial		
Jute	0.04	0.03
Cotton	0.27	0.17
Sugarcane	0.11	5.14
Rubber	0.13	0.03
Vegetable	0.20	1.39
Fruits	0.26	2.2



Sown area (under various crops)	30.89	12.50
Net sown area	23.04	9.32
Mixed & multiple cropping areas	7.85	3.18
Cropping intensity (%)	134	

Situation of Irrigation Water Supply

Year	Net Sown Area	Irrigated Area	%
1982-83	2153	274	127
1983-84	2159	339	153
1984-85	2222	384	174
1985-86	2265	434	192
1986-87	2322	385	168
1987-88	2304	404	175

資料 4. 外国投資法

The Union of Myanmar Foreign Investment Law

THE UNION OF MYANMAR FOREIGN INVESTMENT LAW

STATEMENT ON FOREIGN INVESTMENT LAW OF MYANMAR

The Government of the Union of Myanmar has been striving hard to promote all round development of national economy to improve provisions of food, clothing and shelter for the people so as to ameliorate their living standards. In this connection steps have been taken to ensure mass participation with maximum utilization of the faculties of people and induce foreign investment on the basis of equality and mutual benefit.

The Government has also envisaged such policy objectives as exploitation of abundant resources of the country with a view to catering to the needs of the nation in the first instance; exporting whatever surplus available; creation of new employment as the economic activities expand so that especially young people would have great job opportunities and privileges of learning on-job training as well as technical training both inland and abroad; economic and social development of various regions of the State along with expansion and improvement of transport and communications.

Foreign investors who invest and operate on equitable principles would be given the right to enjoy appropriate economic benefits, to repatriate them, and to take their legitimate assets back home on closing of their business. They would also be given proper guarantee by the Government against nationalization of their business in operation. All these rights and privileges would be granted in the interest of the Union of Myanmar and its people.

At present, enquiries are being made by foreign companies and persons wishing to make investments in the State in a reasonable manner. Similarly, enquiries and contacts are also being made by citizens. It is desirous that a Commission of a high calibre be formed so as to scrutinize the proposals and to co-ordinate all matters concerning enterprises which may be permitted.

As it is necessary to make legal provisions for the above-mentioned matter, the State Law and Order Restoration Council has enacted the Foreign Investment Law.

The State Law and Order Restoration Council
The Union of Myanmar Foreign Investment Law
[The State Law and Order Restoration Council Law
No. 10/88]

The 7th waning day of Tazaungmon, 1350 B.E.
(30th November, 1988)

The State Law and Order Restoration Council
hereby enacts the following Law:—

CHAPTER I

Title and Definition

1. This Law shall be called the Union of Myanmar Foreign Investment Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:—

- (a) "Commission" means the Union of Myanmar Foreign Investment Commission;
- (b) "Government" means the Government of the Union of Myanmar;
- (c) "Citizen" includes an associate citizen or a naturalized citizen. The said expression also includes an economic organization formed with local investment only;

- (d) "Foreigner" means a person who is not a citizen. The said expression also includes an economic organization formed with foreign investment only;
- (e) "Promoter" means any citizen or any foreigner submitting an investment proposal to the Commission;
- (f) "Proposal" means the prescribed application submitted by a promoter to the Commission for approval of an intended investment and the accompanying draft contract;
- (g) "Permit" means the order in which the approval of the Commission of a proposal is expressed;
- (h) "Foreign Capital" includes the following which are invested in an economic enterprise by any foreigner under a permit:—
 - foreign currency;
 - property actually required for the enterprise and which is not available within the State such as machinery, equipment, machinery components, spare parts and instruments;
 - rights which can be evaluated such as licences, trade marks and patent rights;
 - technical know-how;

— re-investment out of benefits accrued to the enterprise from the above or out of share of profits;

(i) "Investor" means a person or an economic organization making an investment under a permit;

(j) "Bank" means any bank of the State.

CHAPTER II

Applicable Economic Activities

3. This Law applies to economic activities prescribed by the Commission from time to time with the prior approval of the Government.

CHAPTER III

Basic Principles

4. Foreign investments shall be made in accordance with the following basic principles:—

(a) promotion and expansion of exports;

(b) exploitation of natural resources which require heavy investment;

(c) acquisition of high technology;

(d) supporting and assisting production and services involving large capital;

(e) opening up of more employment opportunities;

(f) development of works which would save energy consumption;

(g) regional development.

CHAPTER IV

Form of Organization

5. Foreign investment may be made in any of the following forms:—

(a) investment made by a foreigner to the extent of one hundred per cent foreign capital;

(b) joint-venture made between a foreigner and a citizen.

6. (a) In forming under section 5:—

(i) a sole proprietorship, a partnership and a limited company may be formed;

(ii) if a joint-venture is formed the foreign capital shall be at least 35 per cent of the total capital.

(b) In forming as mentioned above, in carrying out the business and in liquidation on the termination of business, other existing laws of the State shall be complied with.

CHAPTER V

Formation of the Commission

7. The Government shall form the Commission.

CHAPTER VI

Duties and Powers of the Commission

8. The Commission may accept any proposal which in its opinion will promote the interests of the State and which is without prejudice to any existing law.
9. The Commission shall in scrutinizing a proposal take into consideration facts such as financial credibility, economic justification of the business enterprise and appropriateness of technology.
10. The Commission shall issue a permit to a promoter, on a proposal being accepted.
11. In case an extension, relaxation or amendment of the term of the permit or the agreement is submitted by those concerned, the Commission may allow thereof as it may deem appropriate.
12. The Commission shall take necessary and prompt action in respect of complaints made by investors on failure to receive fully, benefits entitled to under this Law.

13. The Commission may, at any time require a promoter or an investor to furnish such evidence or facts as the Commission may deem necessary.

14. The Commission may, for the purpose of carrying out the provisions of this Law form such committees and bodies as may be necessary.

15. The Commission may prescribe the bank which shall transact financial matters under this Law.

16. The Commission shall, from time to time report its performance to the Government. It shall also recommend to the Government measures necessary to facilitate and promote foreign investments.

CHAPTER VII

Contracts

17. In forming an economic enterprise under a permit, contracts shall be executed as may be necessary.
18. The Commission may, upon application by those concerned allow the extension, relaxation or amendment of the term of a contract or agreement as may be appropriate.

CHAPTER VIII

Insurance

19. An economic organization formed under a permit shall effect insurance with the Myanmar Insurance Corporation in respect of the prescribed types of insurance.

CHAPTER IX

Appointment of Personnel

20. In appointing personnel in an economic organization formed under a permit, preference shall be given to citizens, provided that the Commission may, if necessary, allow the appointment of experts and technicians from abroad.

CHAPTER X

Exemptions and Reliefs

21. The Commission shall, for the purpose of promoting foreign investments within the State, grant the investor exemption or relief from taxes mentioned in sub-section (a) out of the following exemptions or reliefs from taxes. In addition the Commission may grant any or more than one or all of the remaining exemptions or reliefs from taxes:—

- (a) in respect of any enterprise for the production of goods or services, exemption from income-tax for a period extending to 3 consecutive years, inclusive of the year of commencement of production of goods or services; in case where it is beneficial for the State, exemption or relief from income-tax for a further reasonable period depending upon the success of the enterprise in which investment is made;
- (b) exemption or relief from income-tax on profits of the business if they are maintained in a reserve fund and re-invested therein within 1 year after the reserve is made;
- (c) right to accelerate depreciation in respect of machinery, equipment, building or other capital assets used in the business, at the rate fixed by the Commission to the extent of the original value for the purpose of income-tax assessment;
- (d) if the goods produced by any enterprise are exported, relief from income-tax upto 50 per cent on the profits accrued from the said export;
- (e) right of an investor to pay income-tax payable to the State on behalf of foreigners who have come from abroad and are employed in the enterprise and the right to deduct such payment from the assessable income;

- (f) right to pay income-tax on the income of the above-mentioned foreigners at the rates applicable to the citizens residing within the country;
- (g) right to deduct from the assessable income, such expenses incurred in respect of research and development relating to the enterprise which are actually required and are carried out within the State;
- (h) right to carry forward and set-off up to 3 consecutive years from the year the loss is sustained in respect of such loss sustained within 2 years immediately following the enjoyment of exemption or relief from income-tax as contained in sub-section (a), for each individual enterprise;
- (i) exemption or relief from customs duty or other internal taxes or both on machinery, equipment, instruments, machinery components, spare parts and materials used in the business, which are imported as they are actually required for use during the period of construction;
- (j) exemption or relief from customs duty or other internal taxes or both on such raw materials imported for the first 3 years' commercial production following the completion of construction.

CHAPTER XI

Guarantees

- 22. The Government guarantees that an economic enterprise formed under a permit shall not be nationalized during the term of the contract or during an extended term, if so extended.
- 23. On the expiry of the term of the contract, the Government guarantees an investor of foreign capital, the rights he is entitled to, in the foreign currency in which such investment was made.

CHAPTER XII

Foreign Capital

- 24. The Commission shall evaluate the foreign capital in terms of kyat in the manner prescribed, and register it in the name of the investor. In so registering, the types of the foreign capital and the type of the foreign currency evaluated shall be stated.
- 25. In the event of termination of business, the person who has brought in foreign capital may withdraw foreign capital which he is entitled to withdraw as prescribed by the Commission within the time stipulated.

CHAPTER XIII

Right to Transfer Foreign Currency

26. The following shall be transferable abroad in the relevant foreign currency through the bank prescribed by the Commission, at the prevailing official rate of exchange:—

- (a) foreign currency entitled to by the person who has brought in foreign capital;
- (b) foreign currency permitted for withdrawal by the Commission to the person who has brought in foreign capital;
- (c) net profits after deducting from the annual profits received by the person who has brought in foreign capital, all taxes and the prescribed funds ;
- (d) legitimate balance, after causing payment to be made in respect of taxes and after deducting in the manner prescribed, living expenses incurred for himself and his family, out of the salary and lawful income obtained by the foreign personnel during performance of service in the State.

CHAPTER XIV

Matters Relating to Foreign Currency

27. An economic organization formed under a permit shall open in the bank prescribed by the Commission, a foreign currency account in the type of foreign currency accepted by the bank, and a kyat account and carry out all financial transactions relating to the business enterprise.

28. Foreigners serving in any such economic organization shall open a foreign currency account and a kyat account in any bank prescribed by the Commission.

CHAPTER XV

General Provisions

29. The Commission shall hold meetings in the manner prescribed.

30. The decisions of the Commission made under the powers conferred by this Law shall be final and conclusive.

31. No suit, prosecution or other proceeding shall lie against any member of the Commission or committee or body or any public servant for any act done in good faith under this Law.

32. For the purpose of carrying out the provisions of this Law the Government may prescribe such procedures as may be necessary, and the Commission may issue such orders and directives as may be necessary.

(Sd) SAW MAUNG

GENERAL

Chairman

The State Law and Order Restoration Council

資料 5. 土地用法

Duties and Rights of the Central Committee for the Management of
Culturable Land, Fallow Land and Waste Land

DUTIES AND RIGHTS OF THE CENTRAL COMMITTEE FOR
THE MANAGEMENT OF CULTURABLE LAND, FALLOW LAND
AND WASTE LAND

The Union of Myanmar
The State Law and Order Restoration Council

Notification

No. 44/91

7th Waxing Day of Tazaungmon, 1353 M.E.

(13th November, 1991)

**Prescribing Duties and Rights of the Central Committee
for the Management of Culturable Land, Fallow Land and
Waste Land**

1. The duties and rights of the Central Committee for the Management of Culturable Land, Fallow land and Waste Land, constituted by the State Law and Order Restoration Council letter No. 023/1-1/Na Wa Ta, dated 26-9-91 are herewith prescribed.

2. The duties of the Central Committee for the Management of Culturable land, Fallow land and Waste land are as follows:-

- (a) to systematically scrutinize all applications submitted to grant the right to cultivate land/right to utilize land by State-owned Economic Organizations and Cooperative Societies, Joint-Ventures, other organizations and private individuals for commercially using culturable land, fallow land and waste land for the purpose of carrying out agriculture, livestock breeding, aquaculture enterprises or other affiliated economic development enterprises and to grant the right to cultivate land / right to utilize land for those purposes in accordance with the existing land laws;
- (b) to instruct those persons who are granted the right to cultivate land / right to utilize land to furnish the prescribed security depending upon the type of enterprise at the commencement of business;

- (c) to assist those persons who are granted the right to cultivate land / right to utilize land, to acquire technology, quality seeds and other assistance that may be necessary depending upon the type of enterprise;
- (d) in the event that those persons who are granted the right to cultivate land / right to utilize land for those purposes should require loans for investment capital or the assistance of materials and services, to vet their requests and make necessary recommendations and co-ordinate those matters with the relevant Ministries;
- (e) to propagate widely information regarding the above mentioned matters via the public media i.e. radio, television and newspapers, so that those persons desiring to undertake commercial enterprises may be fully informed.

3. The rights of the Central Committee for the Management of Culturable land, Fallow land and Waste land are as follows:-

- (a) the right to grant up to 5,000 acres of culturable land, fallow land or waste land to those persons who are desirous of investing in commercial enterprises concerning agriculture, livestock breeding, aquaculture or other affiliated economic enterprises in accordance with the existing land laws;
- (b) the right to fix the duration of the right to cultivate land / right to utilize land for those purposes depending upon the type of enterprise and may prescribe land rental rates and revenue rates as follows after scrutiny:-
 - (i) a maximum period of thirty years may be granted for the right to cultivate land / right to utilize land;
 - (ii) to grant exemption from payment of land revenue for a period of 2 to 8 years based upon the type of agricultural crops, livestock breeding or aquaculture enterprise;
 - (iii) to grant exemption from payment of income tax based upon the type of agricultural crops / livestock breeding or aquaculture enterprise in accordance with law;

- (c) to form committees, separate bodies as required depending upon the enterprise sector to carry out detailed scrutiny and appraisals and co-ordinate matters related to the right to cultivate land / right to utilize land for those purposes submitted to the Central Committee for Management of Culturable land, Fallow land and Waste land and to prescribe the duties and rights for those committees, separate bodies as necessary;
- (d) the right to prescribe conditions that are to be adhered to regarding land which has been granted the right to cultivate / right to utilize;
- (e) the right to delegate suitable individual / organization with powers of inspection to ensure whether those persons who are granted the right to cultivate land / right to utilize land for those purposes are capable of implementing their undertaking or not according to prescribed conditions;
- (f) the right to call for situation reports and work completion reports from those persons who are granted the right to cultivate land / right to utilize land for those purposes;
- (g) the right to revoke the right to cultivate land / right to utilize land for those purposes in the event that those persons who are granted such rights fail to adhere or violate the prescribed conditions or fail to fulfill their commitments.

4. The Central Committee for the Management of Culturable land, Fallow land and Waste land may issue necessary procedures or Directives relating to its duties and rights.

Sd/-

Khin Nyunt
Major-General
Secretary (1)
The State Law and Order Restoration Council